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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,318	07/13/2001	William C. Altmann	19570-05858	6174

7590 05/23/2005  
Perkins Coie LLP  
101 Jefferson Drive  
Menlo Park, CA 94025-1114

EXAMINER

NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/905,318

Applicant(s)

ALTMANN, WILLIAM C.

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **MacInnis et al., U.S. Pat No. 6,738,072.**

Considering claim 1, the reference of MacInnis et al. (hereinafter MacInnis) teaches anti-flutter filtering and scaling of graphics and video data. As illustrated In Fig.2, MacInnis discloses digital video input, bypass video input, as well as analog video input. The latter two are input to the video decoder, the output of which is inputted to the multiplexer, which in turn selects one of the signals to output to the video scaler 52. (see col. 4, lines 17-58) MacInnis teaches that the video signals may be analog or digital.

MacInnis does not teach a clock attached to the video scaler -- the claimed constant frequency clock.

However, MacInnis teaches utilizing a single clock in the integrated circuit so that "cost" for the IC may be "lower" and "less noise or interference" may also be generated by the one clock. Col. 36, lines 19-28 The IC system of MacInnis, instead of an

external crystal or other oscillators, advantageously utilizes a single one clock. (see also Fig.5) As to the claimed preceding stage and current stage, given a reasonably broad interpretation, the skilled in the art would recognize that the source of the digital and analog video signals as the preceding stage and the receiver or IC as the current stage. Therefore, claim 1 as claimed is met or made obvious by the disclosure of MacInnis as shown above.

Considering claim 2, the system of claim 1, wherein said DVS comprises: a retiming FIFO for retiming the received video received from the preceding stage; and a scaling engine for scaling the retimed video data to match the constant resolution, is met by Line Buffer 178 and Scaler Engine 182 Fig.5, respectively.

Considering claim 3, the system of claim 1, further comprising a receiver for receiving a signal containing digital video from the preceding stage, is met by MPEG Decoder 160, fig.5;

Considering claims 4 and 5, MacInnis et al. discloses CLUT interface and high speed I/O bus system. MacInnis et al does not disclose a TMDS or LVDS signaling. However, the Examiner takes Official Notice in that Transition Minimized Differential Signaling (TMDS) and Low-voltage differential signaling (LVDS) are well known signaling methods in the DVI standard, and therefore, it would have been obvious to the skilled in the art to modify the system of MacInnis by providing such signaling capability in order

to improve video transmission from the source to the set-top and/or from the set-top box to the television set.

Considering claim **6**, the system of claim 1, wherein said signal contains audio, is met by audio input 34, fig.1;

Claim 7 is a method claim of claim 1 and, therefore, claim 7 is rejected for the same reasons as in claim 1.

Claim 8 is a method claim of claim 2 and, therefore, claim 8 is rejected for the same reasons as in claim 2

Considering claim **9**, the method of claim 7, wherein said step of scaling further comprises the step of superimposing an on-screen display (OSD) message, is met by Fig.31 where an embodiment is illustrated which is a flutter filtering and graphics scaling circuit.

Regarding claim **10**, see rejection of claim 4.

Regarding claim **11**, see rejection of claim 5.

Regarding claim **12**, see rejection of claim 6.

Regarding claim **13**, see rejection of claim 1.

Regarding claim **14**, see rejection of claim 2.

Regarding claim **15**, see rejection of claim 4.

Regarding claim **16**, see rejection of claim 5.

Regarding claim **17**, see rejection of claim 1;

Regarding claim **18**, see rejection of claim 2;

### ***Response to Arguments***

3. Applicant's arguments filed 12/9/04 have been fully considered but they are not persuasive.

Applicant argues, "...Further, once video data has been scaled to a predetermined constant resolution, there is no reason to scale the data again to the same constant resolution. Essentially the DVS in each stage is not being used for its known purpose (scaling), but to provide a data reclocking function."

The examiner submits the applicant here is arguing something that is not found in the claims. Because, the claims do not recite the DVS used for "providing data reclocking" function and "not scaling function". The claims instead specifically variously recite the "DVS for scaling" or, simply, "scaling" the video signal. The DVS, in other words, is being used for scaling purposes. Applicants of course may add, if they wish, this limitation to the claims to differentiate the same from the prior art.. The argument therefore is unpersuasive.

As to the rest of the argument, since the grounds of rejection has been changed, i.e., the Admitted prior art is not being used here, the arguments regarding the APA are moot.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PMN  
May 13, 2005



**PAULOS M. NATNAEL**  
**PATENT EXAMINER**